

JUDGE McKENNA
LSK&D #: 862-7009 / 876943

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CV 3773

-----X
ANGEL VASQUEZ,

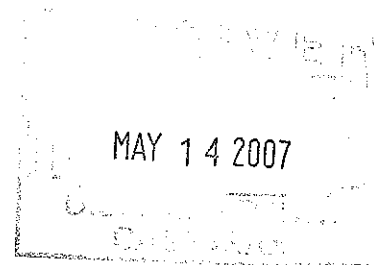
Plaintiff,

**PETITION FOR
NOTICE OF REMOVAL**

-against-

UNITED PARCEL SERVICE, INC., DANNY M.
CAMERON and CARLOS J. RIOS,

Defendants.
-----X



PLEASE TAKE NOTICE, that defendant removes this action to this Court upon the following facts:

1. On or about April 5, 2007 plaintiff, a citizen of Bronx County, New York, commenced this action seeking damages for personal injuries against defendants UNITED PARCEL SERVICE, INC., DANNY M. CAMERON and CARLOS J. RIOS, in New York State Supreme Court, Bronx County under index number 13726/07 by filing a summons and complaint, Exhibit "A".

2. The defendant, Danny Cameron is a natural person residing at 68 Depot Road, Mildford, Connecticut 06460. Defendant, UNITED PARCEL SERVICE is a corporation, with a principal place of business at 2349 Hubbard Avenue, Decatur, Florida 62526. On or about April 23, 2007, the plaintiff served the defendant with the summons and complaint through the New York Secretary of State pursuant to New York Vehicle and Traffic Law § 253. Exhibit "B".

3. There is complete diversity of citizenship.

4. While the complaint does not allege an *ad damnum* clause which is prohibited by New York CPLR 3017(c), it does contain allegations which indicate that the amount demanded will exceed \$75,000.

5. This is an action for wrongful death, which is defined as a "serious injury" under New York Insurance Law § 5102(d). Plaintiff alleges that he was injured and has been damaged in an amount exceeding the jurisdictional limits of all lower Courts." Exhibit "A".

6. It is alleged that the plaintiff's economic loss is "greater than basic economic loss" as defined in New York Insurance Law §5102(a). Exhibit "A", ¶26.

7. Without, in any manner conceding liability, there "appears to be a reasonable probability that the claim is in excess of the statutory jurisdictional amount." Mehlenbacher v. Akzo Nobel Salt, Inc., 216 F.3d 291, 296 (2nd Cir. 2000).

8. Therefore, this court has original jurisdiction over this matter pursuant to 28 U.S.C. Section 1332.

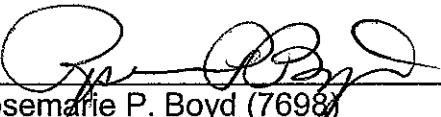
9. This notice is timely since it is made within thirty (30) days of service of the complaint.

10. This action is removable under 28 U.S.C. Section 1441 *et seq.* and is removed to this court.

Dated: New York, New York
May 10, 2007

Yours, etc.

LESTER SCHWAB KATZ & DWYER, LLP



Rosemarie P. Boyd (7698)
Attorneys for Defendants
UNITED PARCEL SERVICE, INC. and DANNY
MY CAMERON
120 Broadway
New York, New York 10271
(212) 964-6611

TO:

Adam B. Sattler, Esq.
EBANKS & SATLLER, LLP
Attorneys for Plaintiff
20 Vesey Street, Suite 503
New York, New York 10007
(212) 766-4411

CARLOS J. RIOS
1125 Bryant Avenue, #114
Bronx, New York 10459

LSK&D #: 862-7009 / 876962

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL VASQUEZ,

Plaintiff,

AFFIDAVIT

-against-

UNITED PARCEL SERVICE, INC., DANNY M.
CAMERON and CARLOS J. RIOS,

Defendants.
-----X

STATE OF NEW YORK)
 ss.:
COUNTY OF NEW YORK)

Rosemarie P. Boyd, being duly sworn according to law, deposes and
says:

1. That she is one of the attorneys for United Parcel Service and
Danny Cameron, the within named defendants; that she has read the foregoing
Notice of Removal, and that these statements contained therein are true in
substance and to my knowledge.

Dated: New York, New York
 May 10, 2007



Rosemarie P. Boyd

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ANGEL VASQUEZ,

Plaintiff,

- against -

UNITED PARCEL SERVICE, INC.,
DANNY M. CAMERON, and CARLOS J. RIOS,

Defendants.
-----X

Index No.:
Purchased:

13726-2007

SUMMONS

Plaintiff designates
BRONX County
as the place of trial.

The basis of venue is Plaintiff's
residence:
1410 Croes Avenue, Apt. 1R
Bronx, NY 10472

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
April 3, 2007

EBANKS & SATTLER, LLP
By: 

ADAM B. SATTLER
Attorneys for Plaintiff
20 Vesey Street, Suite 503
New York, New York 10007
(212) 766-4411

(212) 766-5899

07 APR -5 PM 12:06
COUNTY CLERK
BRONX COUNTY

RECEIVED

Defendants' Addresses:

Carlos J. Rios
1125 Bryant Avenue, #14
Bronx, New York 10459

United Parcel Service, Inc.
c/o Corporation Service Company
80 State Street
Albany, NY 12207

Danny M. Cameron
68 Depot Road
Milford, CT 06460

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ANGEL VASQUEZ,

Plaintiff,

- against -

UNITED PARCEL SERVICE, INC.,
DANNY M. CAMERON and CARLOS J. RIOS,

Defendants.
-----X

Index No.: 13726-2007

VERIFIED COMPLAINT

Plaintiff, by his attorneys, EBANKS & SATTLER, LLP, complaining of the Defendants,
respectfully alleges, upon information and belief, as follows:

DKI 1. That at all times hereinafter mentioned, Plaintiff ANGEL VASQUEZ was
and is a resident of the County of Bronx, State of New York.

DKI 2. That at all times hereinafter mentioned, Defendant CARLOS J. RIOS was
and is a resident of the County of Bronx, State of New York.

DKI 3. That at all times hereinafter mentioned, Defendant CARLOS J. RIOS was
the owner of a motor vehicle bearing Georgia registration number ATT-1548

DKI 4. That at all times hereinafter mentioned, Defendant CARLOS J. RIOS
operated a motor vehicle bearing Georgia registration number ATT-1548.

DKI 5. That at all times hereinafter mentioned, Defendant CARLOS J RIOS
controlled a motor vehicle bearing Georgia registration number ATT-1548.

DKI 6. That at all times hereinafter mentioned, Defendant DANNY M.
CAMERON was and still is a resident of the State of Connecticut.

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07 APR - 2007
P. 12:00
COUNTY CLERK
BRONX COUNTY

7. That at all times hereinafter mentioned, Defendant DANNY M. CAMERON operated a motor vehicle bearing Illinois registration number P378627.

8. That at all times hereinafter mentioned, Defendant DANNY M. CAMERON controlled a motor vehicle bearing Illinois registration number P378627.

9. That at all times hereinafter mentioned, Defendant DANNY M. CAMERON operated said motor vehicle bearing Illinois registration number P378627 with the knowledge, consent, and permission of the owner.

10. The Defendant, DANNY M. CAMERON, was employed by the defendant, UNITED PARCEL SERVICE, INC.

11. That at all times hereinafter mentioned, Defendant DANNY M. CAMERON operated the aforesaid motor vehicle in the course of his employment.

12. That at all times hereinafter mentioned, Defendant UNITED PARCEL SERVICE, INC. was and still is a domestic corporation organized and existing under and by virtue of the laws of the State of New York.

13. That at all times hereinafter mentioned, Defendant UNITED PARCEL SERVICE, INC. was and still is a foreign corporation authorized to do business in the State of New York.

14. That at all times hereinafter mentioned, Defendant UNITED PARCEL SERVICE, INC. was the owner of a motor vehicle bearing Illinois registration number P378627.

15. That at all times hereinafter mentioned, Defendant UNITED PARCEL SERVICE, INC. controlled a motor vehicle bearing Illinois registration number P378627.

16. That at all times hereinafter mentioned, Plaintiff ANGEL VASQUEZ was a passenger in a motor vehicle bearing Georgia registration number ATT-1548.

17. That at all times hereinafter mentioned, I-87 at its intersection with West 179th Street in the County of Bronx, State of New York was a public roadway and/or thoroughfare.

18. That on October 19, 2005, the motor vehicle owned and operated by CARLOS J. RIOS, in which Plaintiff, ANGEL VASQUEZ, was a passenger, and the motor vehicle owned by the Defendant UNITED PARCEL SERVICE, INC. and operated by the Defendant, DANNY M. CAMERON, came in contact with each other at the aforementioned location.

19. That as a result of the aforesaid contact, Plaintiff ANGEL VASQUEZ was injured.

20. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff ANGEL VASQUEZ contributing thereto.

21. That Defendants were negligent and careless in the ownership, management, maintenance, supervision, use and control of the aforesaid vehicles.

22. That by reason of the foregoing, Plaintiff ANGEL VASQUEZ sustained severe and permanent injuries, and Plaintiff ANGEL VASQUEZ was otherwise damaged.

23. The Plaintiff ANGEL VASQUEZ sustained serious injuries as defined in Subdivision d of §5102 of the Insurance Law of the State of New York.

24. That Plaintiff ANGEL VASQUEZ sustained serious injuries and economic loss greater than basic economic loss as to satisfy the exceptions of §5104 of the Insurance Law of the State of New York.

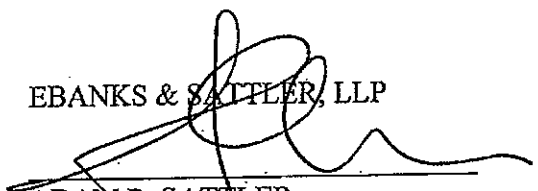
25. That this action falls within one or more of the exceptions set forth in C.P.L.R. §1602.

26. That by reason of the foregoing, Plaintiff ANGEL VASQUEZ has been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the defendants, individually and/or collectively, in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction together with the costs, interests and disbursement of this action.

Dated: New York, New York
April 3, 2007

EBANKS & SATTLER, LLP



ADAM B. SATTLER
Attorneys for Plaintiff
20 Vesey Street, Suite 503
New York, New York 10007
(212) 766-4411

TO:

Carlos J. Rios
1125 Bryant Avenue, #14
Bronx, New York 10459

United Parcel Service, Inc.
c/o Corporation Service Company
80 State Street
Albany, NY 12207


Danny M. Cameron
68 Depot Road
Milford, CT 06460

VERIFICATION

STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

I, the undersigned, an attorney admitted to practice in the courts of New York State, state under penalty of perjury that I am a partner in the office of EBANKS & SATTLER, LLP, attorneys for the Plaintiff, ANGEL VASQUEZ in the within action; I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true. The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigations conducted by my office.

Dated: New York, New York
April 3, 2007


ADAM B. SATTLER

Index No. 13726/07

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

ANGEL VASQUEZ,

Plaintiff,

-against-

UNITED PARCEL SERVICE, INC.,
DANNY M. CAMERON, and CARLOS J. RIOS,

Defendants.

SUMMONS & VERIFIED COMPLAINT

EBANKS & SATTler, LLP
20 Vesey Street, Suite 503
New York, NY 10007
(212) 766-4411

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: _____ Signed: _____

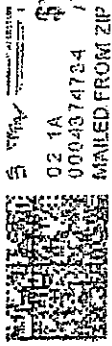
Service of a copy of the within

is hereby admitted.

Dated: _____ Attorney(s) for _____

20070418045

20070418045



CERTIFIED MAIL



7111 5495 5563 1537 1496

RETURN RECEIPT REQUESTED

Article Addressed To:

UNITED PARCEL SERVICE, INC.
C/O CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NY 12207-2543

New York State Department of State
41 State Street
Albany, NY 12231

Receipt # 200704190043

COMPLETE THIS SECTION ON DELIVERY.

A. Signature: (☐ Addressee or ☐ Agent)

X

B. Received By: (Please Print Clearly)

C. Date of Delivery

D. Addressee's Address (If Different From Address Used by Sender)

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

Delivery Address

City State ZIP + 4 Code

Sender:

C/O CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NY 12207-2543

DEPARTMENT OF STATE
UNIFORM COMMERCIAL CODE
41 STATE STREET
ALBANY, NY 12231-0001

DOS-1248 (11/96)

USA/CERTIFIED MAIL
PS Form 3800, 6/02
5,697,648 * 5,848,809
PSN 5,573,277
* 5,697,648 * 5,848,809
3-UP Laser Form * USA CME-075 11/05 *

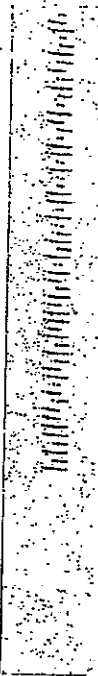


Exhibit B



CORPORATION SERVICE COMPANY

SUT / ALL

Transmittal Number: 5110308
Date Processed: 04/23/2007

Notice of Service of Process

Primary Contact: SOP UPS - United Parcel
SOP - PowerBrief - Wilmington
Sop - Scan
Suite 400 2711 Centerville Road
Wilmington, DE 19808

Copy of transmittal only provided to: Arlette Rowe
Bishop Martin
Sarah Moore
Ms. Sonja Jackson

Entity:	United Parcel Service, Inc. Entity ID Number 2551213
Entity Served:	United Parcel Service, Inc.
Title of Action:	Angel Vasquez vs. United Parcel Service, Inc.
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court:	Bronx County Supreme Court, New York
Case Number:	13726-2007
Jurisdiction Served:	New York
Date Served on CSC:	04/23/2007
Answer or Appearance Due:	30 Days
Originally Served On:	NY Secretary of State on 04/17/07
How Served:	Certified Mail
Plaintiff's Attorney:	Adam B. Satler 212-766-4411

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

State of New York - Department of State
Division of Corporations

Party Served:
UNITED PARCEL SERVICE, INC.

Plaintiff/Petitioner:
VASQUEZ, ANGEL

C/O CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NY 12207-2543

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 04/17/2007 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW.

This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,
Division of Corporations

LSK&D #: 862-7009 / 876970

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
ANGEL VASQUEZ,

Index No.: 13726/07

Plaintiff,

NOTICE OF REMOVAL

-against-

UNITED PARCEL SERVICE, DANNY M.
CAMERON and CARLOS J. RIOS,

Defendants.
-----X

STATE OF NEW YORK)
)ss:
COUNTY OF NEW YORK)

Rosemarie P. Boyd, being duly sworn according to law, deposes and says:

1. I am an associate of the firm of LESTER SCHWAB KATZ & DWYER,
attorneys for defendants, UNITED PARCEL SERVICE and DANNY M. CAMERON.

2. Defendants remove this case; leave will be sought to amend the caption in
this action to read as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL VASQUEZ,

Plaintiff,

Docket No.:

-against-

UNITED PARCEL SERVICE, DANNY M.
CAMERON and CARLOS J. RIOS,

Defendants.
-----X

Dated: New York, New York
May 10, 2007


Rosemarie P. Boyd (RB-7698)

2007 MAY 16 AM 10:22
COUNTY CLERK
BRONX COUNTY

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